

# TOWN OF MIAMI LAKES, FLORIDA

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## MINUTES TOWN COUNCIL MEETING

December 09, 2003

7:00 p.m.

### **Miami Lakes Middle School**

6425 Miami Lakeway North  
Miami Lakes, Florida 33014

1. **CALL TO ORDER:** Vice Mayor Roberto Alonso called the meeting to order at 7:10 p.m.
2. **ROLL CALL:** In addition to the Vice Mayor, the following Council Members were present at roll call: Mary Collins, Robert Meador, Nancy Simon and Peter Thompson. The following staff members were also present: Town Manager Alex Rey, Town Attorney Nina Boninske and Michael Marrero of the law firm Weiss, Serota, Helfman Pastoriza and Guedes, P.A.; and Town Clerk Beatris M. Arguelles, CMC.
3. **INVOCATION/MOMENT OF SILENCE:** The Vice Mayor called for a moment of silence.
4. **PLEDGE OF ALLEGIANCE:** The Vice Mayor led the pledge.
5. **ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):** Councilman Meador requested to pull Items 7(B), 7(D), 7(E) and 7(F) from the agenda. Councilwoman Simon asked to pull Item 7(G) from the agenda. Town Manager Alex Rey requested to add an update of the Franchise fee revenues as Item 13(B)2.

Councilwoman Collins made a motion to accept the Order of business as amended. Councilwoman Simon seconded the motion, which carried unanimously.

## 6. **SPECIAL PRESENTATIONS**

**Certificates of Recognition** - Youth Activities Task Force Members/Haunted House Volunteers (*Previously deferred*)

The Vice Mayor read the names of the members of the Youth Activities Task Force/Haunted House and Halloween party volunteers and presented them with a certificate of appreciation for their excellent work. The following were recognized: Organizers: Annette Garrison, Jan Schneider and Laura Wyllie; Volunteers: Stephanie Alonso, Ashley Alvarez, Blake Avila, Victoria Avila, Keith Bishop, Troy Books, Bryan Cerna, Jackson Cerna, Kirstie Clinton, Kraig Clinton, Ishmael Collazo, Jonathan Corey, Omar Estrada, Nkem Ezeamama, Davik Foliz, Samantha Garrison, Miguel Gonzalez, Pat Jones, Jannike Madera, Freddie Manso, Noe Martinez, Franco Pagliaro, Chris Pineres, Katelyn Ramos, Nicholas Ramos,

Jonathan Rodriguez, Felicia Salazar, Anjelyn Salomon, Crystal Salomon, Sarah Salomon, Yoymi Sim and Abdul Zakkaouh.

7. **CONSENT AGENDA:** Councilwoman Collins moved to accept the Consent Agenda, as amended. Councilman Thompson seconded the motion, which carried unanimously.

Councilwoman Collins requested that the Town Manager designate beginning of term date of contracts approved on the Consent Agenda. The Manager explained that it is standard procedure to leave the blanks so that dates can be added once execution dates are established.

**A. MINUTES:**

**November 13, 2003 – Regular Council Meeting** – Approved on consent agenda.

**November 25, 2003 – Special Council Meeting** – Approved on consent agenda.

**B. APPROVING AGREEMENT FOR BILLING OF STORMWATER CHARGES**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE AGREEMENT FOR BILLING OF STORMWATER CHARGES BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF MIAMI LAKES; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilman Meador asked the Town Manager to clarify Section 3, on page 2 of the agreement where it reads “The Town can also give independent notice of method of payment to the residents at our sole cost and expense.” and questioned whether the manager anticipates this occurring. The Manager responded in the negative. Councilman Meador also inquired about the collection process and whether the reimbursement fee to the County would be a fixed amount. The Manager responded that it was a one time fixed fee of \$500. Councilman Meador questioned whether the litigation occurring in this regard would be covered under the Town’s insurance polity. The Town Attorney advised that the Town would be given the opportunity to decide whether or not to defend the County when and if an issue arises. The Town’s insurer would also advise, dependant upon the case, whether or not it is covered. Councilman Meador also inquired about the County’s rights to review and revise the charges and questioned how often a review would be done. The Manager advised that there will be an annual review. Council Meador asked if the Town would be able to do the billing rather than contracting with the County. The Manager stated that the option is always present, but not feasible at the current time.

Councilman Meador made a motion to approve the Resolution. Councilwoman Collins seconded the motion, which carried unanimously.

**C. FLORIDA RETIREMENT SYSTEM MEMBERSHIP** *(Rey)*

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO MEMBERSHIP IN THE FLORIDA RETIREMENT SYSTEM BY TOWN EMPLOYEES; AUTHORIZING THE TOWN MANAGER TO EXECUTE APPROPRIATE DOCUMENTS RELATING TO ENROLLMENT ON BEHALF OF THE TOWN; AND PROVIDING AN EFFECTIVE DATE. – Approved on consent agenda.**

**D. APPROVING THE SELECTION OF CASEY'S LANDSCAPING, INC. FOR INSTALLATION OF SOD AT ROYAL OAKS PARK *(Rey)***

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE SELECTION OF CASEY'S LANDSCAPING, INC. FOR INSTALLATION OF SOD AT ROYAL OAKS PARK; AUTHORIZING TOWN OFFICIALS TO FINALIZE THE TERMS OF THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Councilman Meador questioned the watering of the sod, noting that the contract did not appear to include watering of the sod. Russell Barnes, Kimley Horn & Associates noted that the cost for the watering service would be \$85.00 per hour with a minimum of four hours.

Councilwoman Simon asked that the Manager clarify when the Town plans to install the irrigation system. The Manager responded that the irrigation system is scheduled for September 2004. Councilwoman Simon asked if the sod purchased comes with a warrantee. The Manager clarified that it does not. Councilwoman Simon expressed concern about the possibility of spending money on sod that is not guaranteed. The Manager explained that it is the Town's responsibility to provide maintenance for the sod. Russell Barnes noted that the sod in question is very durable, similar to that planted along roadways and that it requires little irrigation. The Vice Mayor stated that brown sod in the park is not acceptable and suggested that the Town may be able to hire a separate watering company without the need to include the watering in this contract.

Following such discussion, Councilwoman Collins moved to approve the Resolution. Councilman Meador seconded the motion, which carried unanimously.

**E. TRANSFER OF FILL FROM AMELIA EARHART PARK TO ROYAL OAKS PARK BY APAC GROUP, INC. *(Rey)* (Page 55)**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, ACCEPTING THE PROPOSAL FROM APAC GROUP, INC. FOR THE TRANSFER OF FILL MATERIAL FROM ITS CURRENT LOCATION AT AMELIA EARHART PARK TO ROYAL OAKS PARK;**

**AUTHORIZING APPROPRIATE TOWN OFFICIALS TO EFFECTUATE THE TRANSFER OF FILL TO ROYAL OAKS PARK; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilman Meador made a motion to approve the Resolution. Councilman Thompson seconded the motion, which carried unanimously.

**F. AWARD OF PARK MAINTENANCE CONTRACT TO TROPICS NORTH LANDSCAPING, INC. *(Rey)***

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE SELECTION OF TROPICS NORTH LANDSCAPING, INC. FOR MIAMI LAKES PARKS MAINTENANCE; APPROVING THE AGREEMENT BETWEEN TROPICS NORTH LANDSCAPING, INC. AND THE TOWN OF MIAMI LAKES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE MANAGER TO EXPEND RESERVE FUNDS; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Councilman Meador questioned some of the Terms and conditions of the agreement including the minimum number of workers needed, additional trash receptacles and the number of cuts (mowing) contemplated in the agreement. The Manager advised that the minimum number of workers is based on the specific job at hand. Regarding the cuts, the manager noted that they are spread out so that during high growth the grass is cut more often.

The representatives Tropics North addressed the Council noting that a complete schedule would be provided prior to work commencing and briefly outlined the anticipated work schedule.

Following additional discussion, Councilman Meador moved to approve the Resolution. Councilwoman Collins seconded the motion, which carried unanimously.

**G. FLORIDA COMMUNITIES TRUST (FCT) GRANT CONTRACT FOR ACQUISITION OF MADDENS HAMMOCK *(Rey) (Page 88)***

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE GRANT AGREEMENT WITH THE FLORIDA COMMUNITIES TRUST FOR THE ACQUISITION OF MADDEN'S HAMMOCK BY THE TOWN; AUTHORIZING TOWN**

**OFFICIALS TO FINALIZE THE TERMS AND CONDITIONS OF THE AGREEMENT, TO WORK WITH FCT TO ACQUIRE THE LAND AND TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE ACQUISITION AND GRANT REQUIREMENTS; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, TO EXECUTE ANY REQUIRED DOCUMENTS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT AND TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE ACQUISITION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilwoman Simon asked the Manager if the price for the property has been reviewed to ensure fairness. The Manager noted that the state is negotiating the price for the hammock. He also clarified that he mentioned to the media that he did not wish to conduct negotiations in the newspaper.

Councilwoman Collins made a motion to approve the Resolution. Councilman Meador seconded and the motion carried unanimously.

**H. COMMUNITY POLICING - BYRNE GRANT *(Rey)***

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF MIAMI LAKES FOR THE TOWN'S COMMUNITY POLICING PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. – Approved on consent agenda.**

**I. FLORIDA DEPARTMENT OF TRANSPORTATION PARCEL *(Rey)***

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE TOWN'S ACQUISITION OF THE FDOT PROPERTY ON NW 169th TERRACE AND 89th COURT; AUTHORIZING APPROPRIATE TOWN OFFICIALS TO EXECUTE AND RECORD ALL DOCUMENTS REQUIRED FOR THE ACQUISITION OF THE PROPERTY; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO ACCEPT THE DEED FOR THE PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE – Approved on consent agenda.**

**J. APPROVING SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES WITH ILER PLANNING GROUP, INC. *(Rey)***

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE SECOND AMENDMENT TO THE AGREEMENT BETWEEN ILER PLANNING GROUP AND THE TOWN OF**

**MIAMI LAKES FOR PLANNING AND ZONING SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AUTHORIZING TOWN OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.** – Approved on consent agenda.

**8. PUBLIC COMMENTS:**

Alan Riggerman addressed the Town Council regarding the need to enforce the American With Disabilities Act. He noted examples in the County where violations were committed by businesses and suggested the Council adopt a Resolution to aid Americans with disabilities within the Town. He urged Town businesses to comply with the Americans With Disabilities Act.

**9. COMMITTEE REPORTS:**

**A. Education Advisory Committee – Beth Martinez – Imagination Library Project**  
Beth Martinez, Chair reported the Committee is ready to move forward with the Imagination Library project, which focuses on the 0-5 age group for children in the community and also includes an internship project for high school students as well. The Vice Mayor inquired about the cost for the program and whether or not there would be sponsors. Ms. Martinez noted that initially, the Town is handling the full cost which is \$4,000.00 for the first year, \$9,800.00 for the second year, \$16,000.00 for the third year and \$22,000.00 for the fourth year. However, a sponsor is expected to handle additional costs including registration and paperwork fees. Councilwoman Simon stated that the funds for the project have been allotted from the Education Advisory Board. The Vice Mayor expressed concern about the cost of the project not being shared as originally presented.

**Odalys Horta** addressed the Council to explain that this project exists in 35 states and is very successful in small towns like Miami Lakes. The project includes visiting area doctors and asking them to advertise the program in their office, getting the parents involved and having the Town follow up in order to ensure that the program requirements are being met.

Councilwoman Collins moved to accept the report presented by the Education Advisory Board including the Imagination Library. Councilman Meador seconded the motion, which carried unanimously.

**10. ORDINANCES – FIRST READING:** None

**11. PUBLIC HEARINGS/ORDINANCES – SECOND READING:** None

**12. RESOLUTIONS:** None

### 13. REPORTS

#### A. MAYOR'S REPORTS: None

#### B. MANAGER'S REPORTS:

1. Scheduling of Transportation Masterplan Workshop – **5:00 P.M. January 15, 2003** - Town Manager Alex Rey announced the scheduling of the Transportation Master Plan Workshop in order to review the report distributed by Russell Barnes, Kimley Horn & Associates.
2. Update of the franchise fee revenues – *(Added to the agenda)* The Manager reported that the Town received a check for \$661,000.00 from Miami-Dade County for prior year revenues that they owed and had not paid to the Town. He commended Assistant to the Manager Mariaelena Salazar for her work in obtaining the funds.

#### C. COUNCILMEMBER REPORTS:

1. **BEAUTIFICATION** – Councilman Pizzi reported that the area around Barbara Goleman Senior High School is being cleaned up. He thanked the Manager and Staff for their efforts that include cleaning the perimeter wall, pressure cleaning the sidewalks, painting of the perimeter wall and painting of concrete barricades. The Councilman inquired about the time frame when the cul-de-sac will be landscaped to which the Manager responded that it would be landscaped next month. Councilman Thompson inquired about the continued cleaning up the Goleman area. The Manager responded that the Town's contractors will do the landscape and that the school will then be responsible for the maintenance. Councilman Pizzi suggested that the clean up be performed on a weekly basis rather than once a month in order for students to gain community service hours. Councilwoman Collins suggested the school implant the Adopt-a-Road-like program. The Vice Mayor suggested the suggestions be referred to the Beautification Committee.
1. **YOUTH EXPLORATION OF NATURE PROGRAM** – Councilman Pizzi suggested setting up a program where the children of the Town of Miami Lakes take nature tours. He reported that the Redlands offer tours for up to 50 children per group at a cost of \$12.50 per child. The average age of the children is nine to twelve years of age. He added that for a group of 50 children, the program pays for the transportation. Councilman Pizzi stated that he will sponsor the first trip (\$600.00). Trips can be scheduled for the first three weekends in January.

Councilman Pizzi moved to direct the Town Manager and Staff to formulate the Youth Explore program which will consist of taking up to 50 students at a time on the nature tours. Councilman Thompson seconded the motion.

The Town manager recommended to delay commencement of the program until February when a Parks and Recreation staff member will be on board. The Town can underwrite the expense to guarantee that the tours will be available. The parents can contribute, however, the Town will be responsible to cover the difference between the cost and the parents and sponsor contributions. He stated that \$5,000.00 can be allocated to underwrite the first month. The expense for the first month will be a maximum of \$2,400.00 (4 trips at \$600.00 each). The Town will evaluate how successful the program is in getting parents and sponsors to pay for the trips.

Councilman Pizzi amended the motion to authorize the Town Manager to go forward with a program and set a cap amount to be no more than \$5,000.00 as a safety net. Councilman Thompson seconded the motion.

Councilman Thompson suggested that the Recreation department work with the Youth Activities Task Force on this program and suggested that the Council fund them an additional \$5,000. Councilman Pizzi stated that he does not want to create levels of bureaucracy and amended his motion as follows:

That the Manager will have full discretion to spend up to \$5,000.00 and coordinate with all parties, including the Youth Activities Task Force.

Councilwoman Collins stated that she thinks that the Youth Activities Task Force has the available funds. Vice Mayor Alonso concurred with Councilwoman Collins. He also added that the \$5,000.00 should not be added to the Youth Activities Task Force since the funds are already available. Councilman Pizzi amended his motion again as follows:

The manager will have full discretion to spend up to \$5,000.00 only if the Youth Activities Task Force does not have available funds.

The Manager stated that funds are available. He added however, that people should make contributions for the trips and not have the Town fully pay for them, noting participants would be more receptive of the trips. In addition, he stated that the sponsorship program can be a good opportunity for small businesses.

The Vice Mayor expressed concern about approving an additional \$5,000 for the Youth Activities Task Force. He stated that after some time, the Town is going to run out of children to cater the program to and the \$5,000 will remain as an amount granted to the Youth Activities Task Force to be spent on other programs.

Councilman Pizzi amended the main motion once more to direct the Town Manager and Staff to formulate the Youth Explorer program in conjunction with the Youth Activities Task Force with the program consisting of taking up



to 50 students at a time on the nature tours with a cap amount of no more than \$5,000 as a safety net to guarantee the Tours and the manager will have full discretion to spend up to \$5,000.00 only if the Youth Activities Task Force does not have available funds. Councilman Thompson seconded the motion, which carried unanimously.

2. **SWALE AREA TREES AND MAINTENANCE** – Vice Mayor Alonso cited that trees in the Town are being cut down and/or replaced with coconut trees/palm trees or other non-shade trees. He reminded the residents that shade trees are needed to provide a nice canopy for the area. He also noted residents are “shaping” the swale area trees and cited that the swale areas do not belong to the property owners to do with as they please. He asked the Manager to ensure that the Ordinance enforcing the property maintenance of the swale areas should be strictly enforced, noting that although the Code Enforcement Department is tackling the issue, the trees are still being cut and mutilated. He asked that Code Enforcement inform and advise the residents of the code by the distribution of pamphlets detailing what the law is regarding the swale areas. Councilman Thompson agreed that the Code Enforcement department should enforce the law, noting that it takes a very long time for the trees to grow tall enough to create a canopy. Councilwoman Collins added that when someone buys a home in Miami Lakes, they should be offered a pamphlet with information regarding the codes. She suggested that realtors inform new homeowners of the codes. Councilwoman Simon suggested that the owners be given the opportunity to donate the trees they have planted in the swales areas to the Town for the parks. Vice Mayor Alonso stated that he would like for owners to take pride and want to plant the trees consistent with the Miami Lakes style. Councilman Pizzi stated that he is in favor of educating residents rather than punishing them. The Vice Mayor stated that the continuing mutilation of trees must be stopped right away. The Town Manager suggested that information be sent out to all residents for them to understand the importance and beauty of a canopy look and that new residents are notified in a “Welcome to Miami Lakes” pamphlet. Councilwoman Simon suggested that the information be sent out in English and Spanish.

**D. ATTORNEY’S REPORT:** None

14. **NEW BUSINESS:** None.

**15. FUTURE MEETING DATES**

**COMPREHENSIVE PLAN – FIRST READING** (*Deferred from December 2, 2003*) – Tuesday, December 16, 2003, 7:00 p.m. Town Hall, 6853 Main Street, Miami Lakes, FL

**COMPREHENSIVE PLAN – SECOND READING** - Friday, December 19, 2003, 7:00 p.m. Town Hall, 6853 Main Street, Miami Lakes, FL.

**ZONING MEETING** – Rescheduled to Thursday, January 15, 2004, 7:00 p.m. Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014

**REGULAR MEETING** – Tuesday, January 13, 2004, 7:00 p.m., Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014

16. **ADJOURNMENT**

Vice Mayor Alonso adjourned the meeting at 9:30 p.m.

Approved this 13<sup>th</sup> day of January, 2004

  
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WAYNE SLATON, MAYOR

Attest:

  
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BEATRIS M. ARGUELLES, CMC  
TOWN CLERK